



City of Norfolk

Office of the City Manager

C: Dir., Director of Public Works

October 3, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Encroachment – footings, cornices, and
stairs into West York Street and
Dunmore Street

Ladies and Gentlemen:

I. **Recommended Action:** Adopt ordinance

II. **Overview**

This agenda item is an encroachment to permit Turzac Construction Corporation to encroach into the rights of way of Dunmore Street and West York Street at 529 Dunmore Street, 3" with footings, 1'-3" with cornices and 2'-5" with three sets of stairs. Truzac Construction Corporation is in the process of constructing two new buildings for residential use at this location.

III. **Analysis**

A. **General**

Norfolk City Code, Section 42-10, requires all encroachments into the rights-of-way to be approved by City Council. An encroachment is an approved object or structure that encroaches into a City of Norfolk right of way. The encroachment at this location will allow the best use of the property for the new residential structures and add to the aesthetic quality of the new structures.

B. **Fiscal**
NA

C. **Environmental**
NA

D. **Community Outreach/Notification**

Public notification for this item was conducted through the City of Norfolk's agenda notification process.

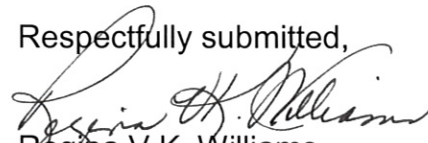
IV. Board/Commission Action

The Department of Public Works, Utilities and Planning have reviewed the request and offer no objections. Plans have been reviewed and approved by the Norfolk Design Review Committee and the City Planning Commission.

V. Conclusion

The applicant has provided the required certificate of insurance and the encroachment is subject to revocation by the City Council; therefore it is recommended that the City Council adopt the ordinance, which will allow Truzac Construction Corporation to move forward with the construction of the new residential buildings.

Respectfully submitted,



Regina V.K. Williams

City Manager

09/12/06 wer

Form and Correctness Approved

Contents Approved:

By William Seaman
Office of the City Attorney

NORFOLK, VIRGINIA

By John M. Kuf
DEPT. PUBLIC WORKS**ORDINANCE No.**

AN ORDINANCE PERMITTING TURZAC CONSTRUCTION CORPORATION TO ENCROACH AT 529 DUNMORE STREET WITH THREE SETS OF STAIRS AND FOOTERS, AND INTO THE RIGHTS-OF-WAY OF WEST YORK STREET AND DUNMORE STREET WITH CORNICES.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Turzac Construction Corporation, its successors and assigns, to encroach at 529 Dunmore Street with three sets of stairs to a maximum distance of 2'-5", 3" with footers, and 1'-3" with cornices into the rights-of-way of West York Street and Dunmore Street, as shown on the encroachment map, a copy of which is attached to and made a part hereof as Exhibit A, subject to and contingent upon the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Turzac Construction Corporation, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Turzac Construction Corporation, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured party in the amount of at least \$500,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Turzac Construction Corporation, and its successors and assigns, for any injury to or death of any person or persons or for any

damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Risk Manager, Department of Finance, City of Norfolk.

- (4) That the City shall not be responsible for any damage, replacement, or installation costs for any structure encroaching into the right-of-way resulting from the City's operation, maintenance, repair, or replacement of utilities located within the right-of-way.

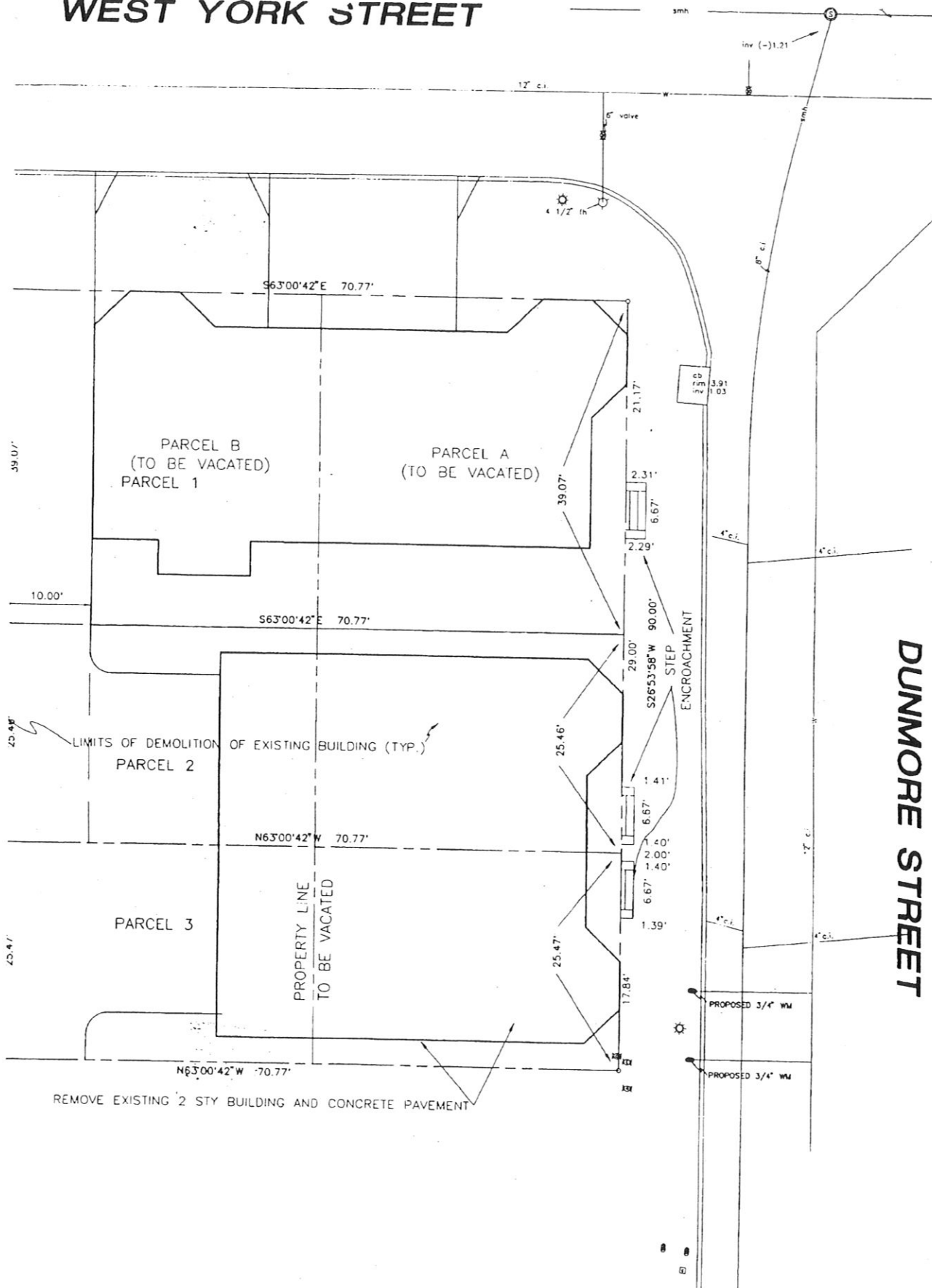
Section 2:- That the failure of Turzac Construction Corporation, or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Turzac Construction Corporation, and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

Engineering plan view of Dunmore Street showing proposed 3/4 inch water main encroachment. The plan includes dimensions for various segments (e.g., 1.784', 2.29', 2.31', 2.40', 2.00', 1.40', 1.39', 6.67', 1.41', 29.00', 90.00', 21.17'), a 'STEP ENCROACHMENT' area, and a 'valve' location. A table shows 'cb' (3.91) and 'inv' (1.03). A note indicates 'inv (-) 1.21'. The street is labeled 'DUNMORE STREET'.

DUNMORE STREET

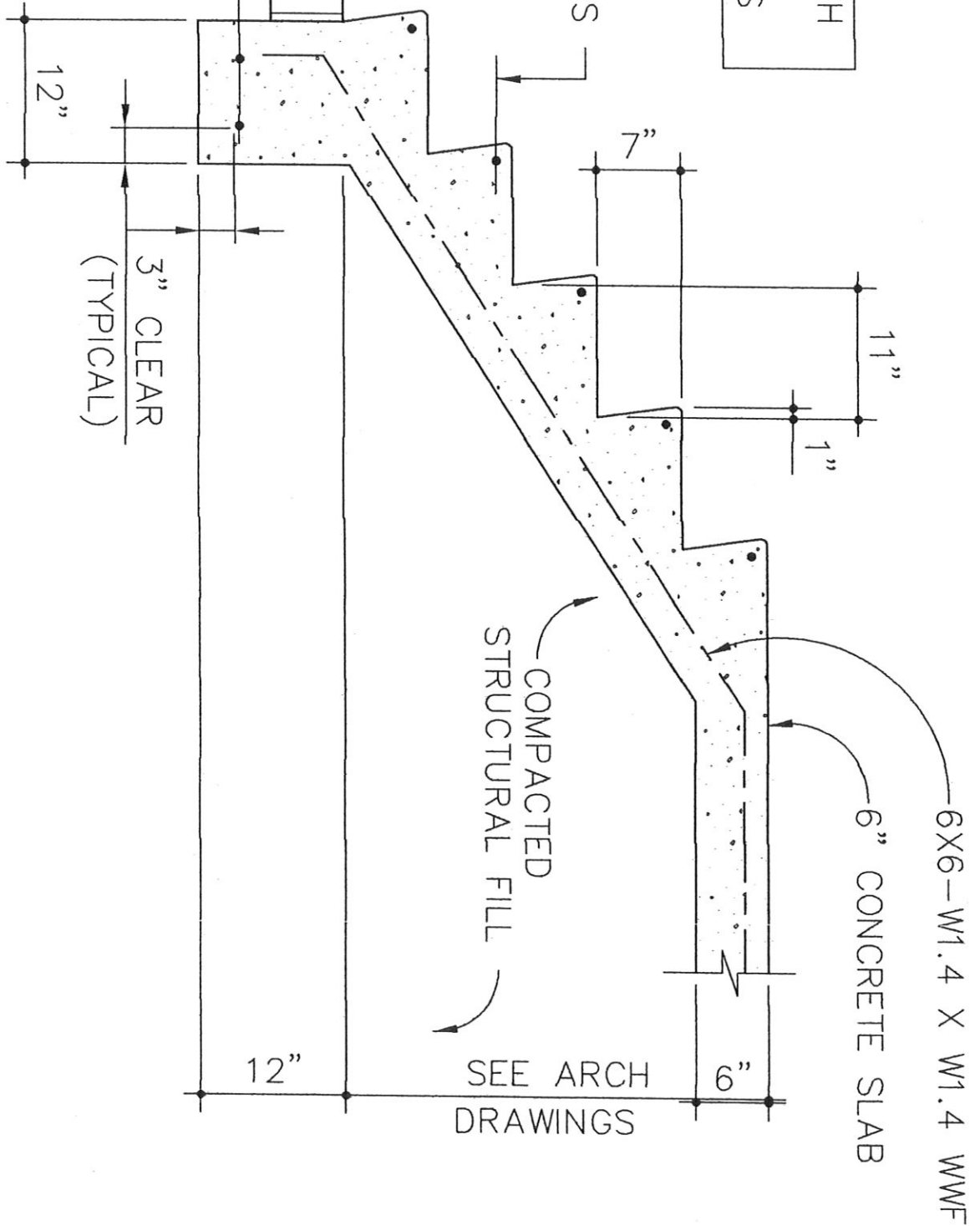


NOTE: SEE ARCH
DRAWINGS FOR
RAILING DETAILS

1 - #4 NOSING
BAR CONTINUOUS

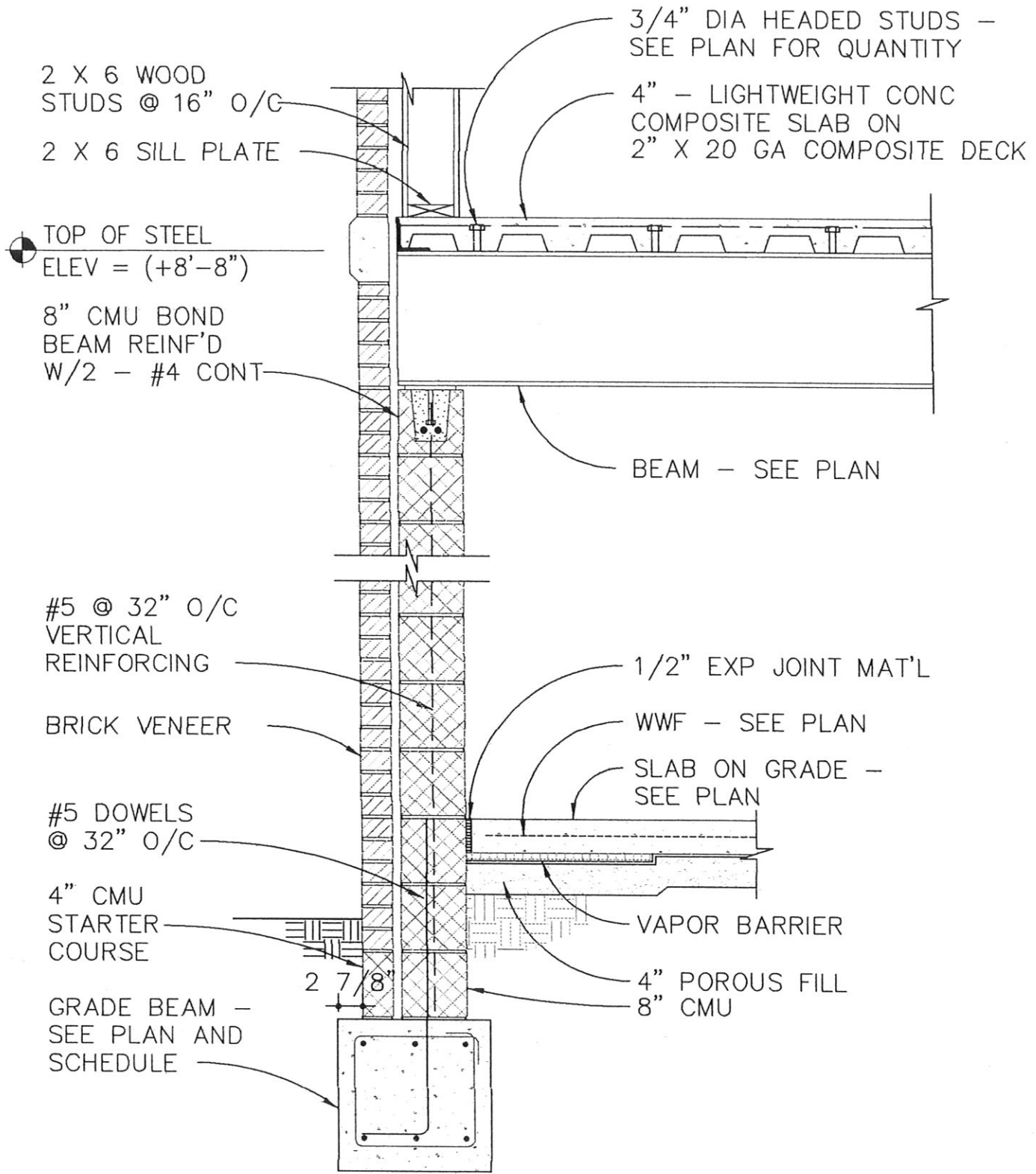
SEE SITE
PLAN

2 - #5
CONT

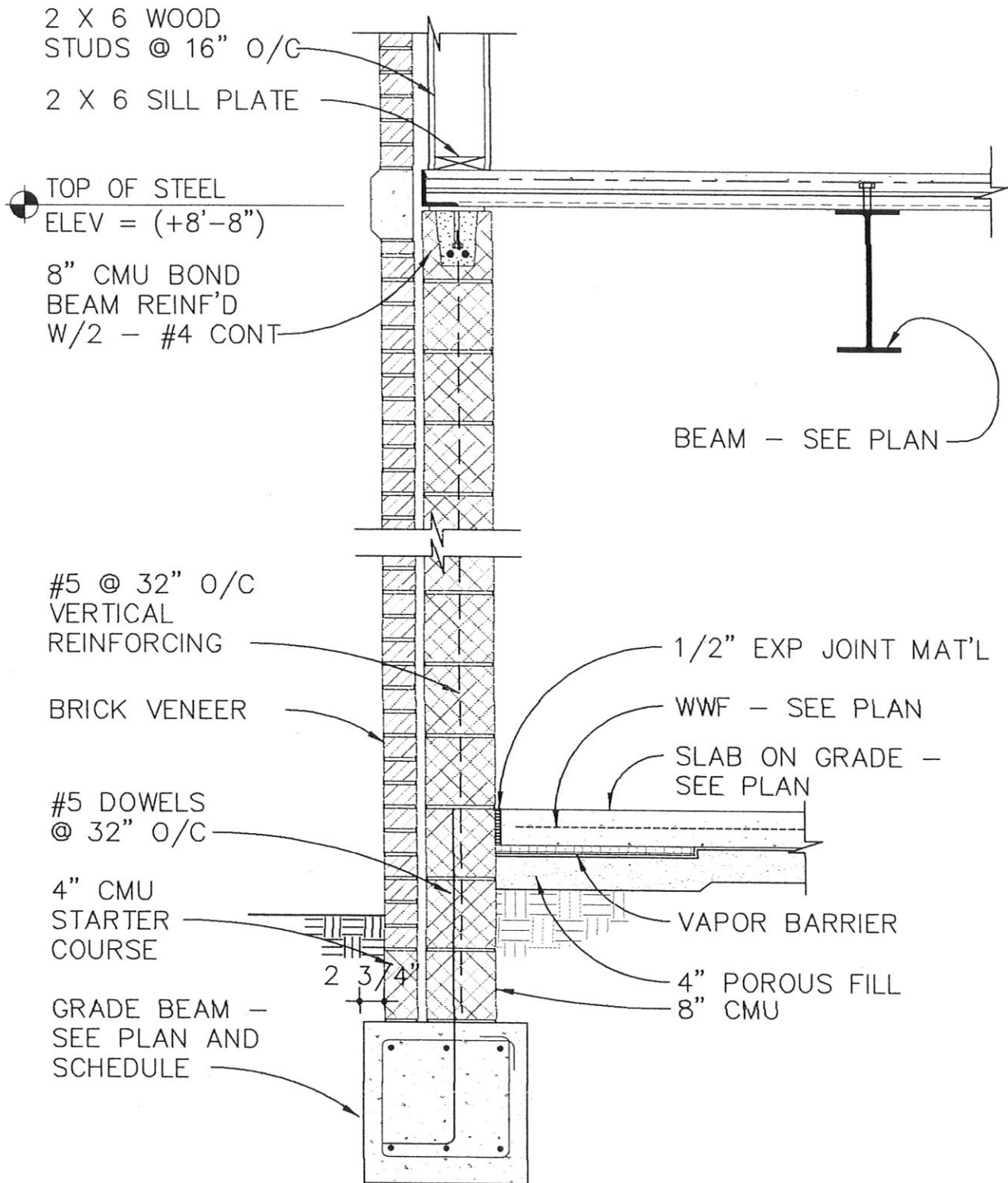


TYPICAL STAIR SECTION

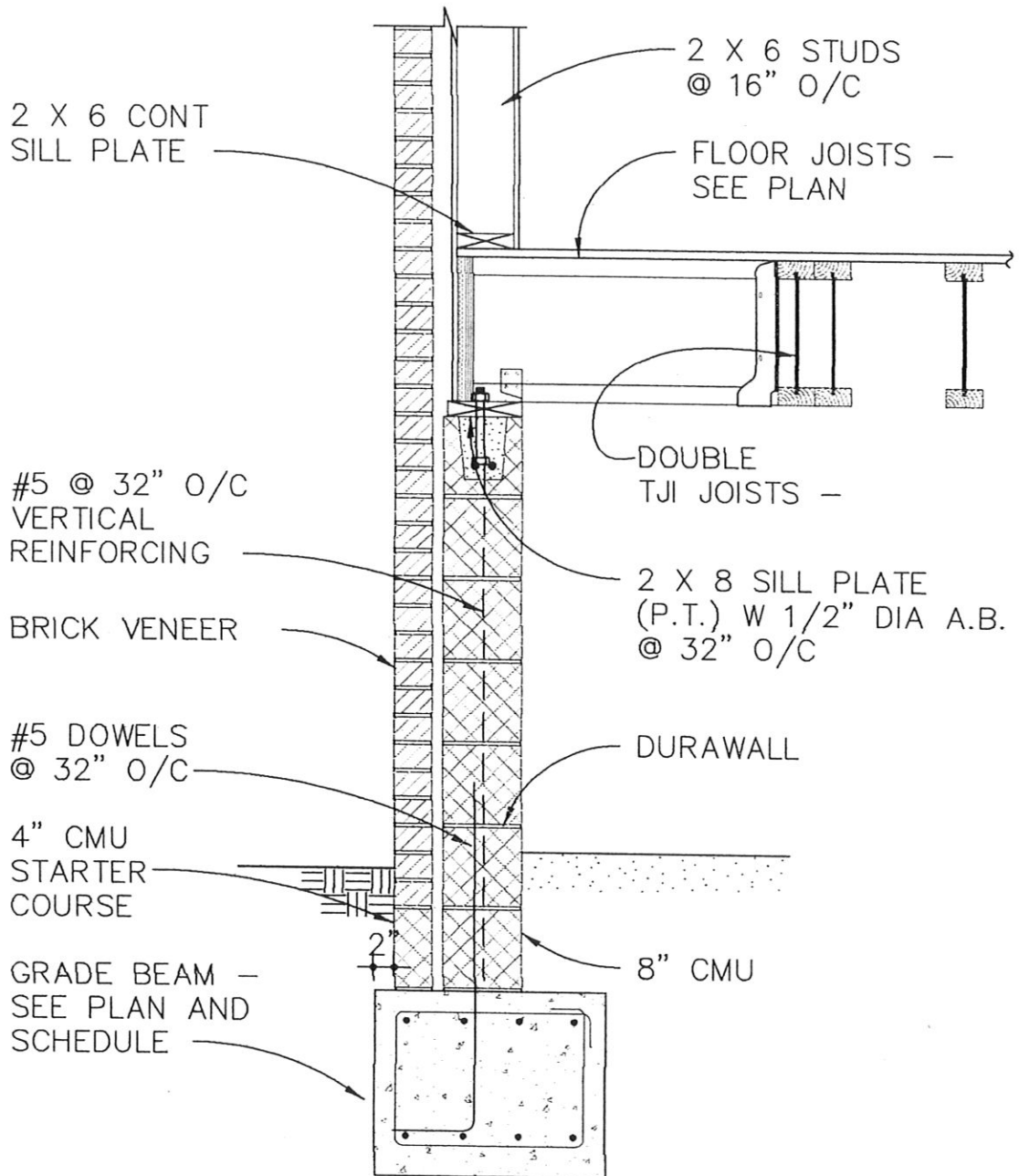
3/4" = 1'-0"



4 SECTION
S2.2 3/4" = 1'-0"



5 SECTION
S2.2 3/4" = 1'-0"



2 SECTION
S2.1 3/4" = 1'-0"

